

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

**ALPHONSO STEWART,**

**Petitioner,**

**V.**

**WARDEN, Washington State Prison,**

**Respondent.**

**CIVIL ACTION NO. 5:15-CV-158 (MTT)**

## ORDER

United States Magistrate Judge Stephen Hyles recommends granting the Respondent's motion to dismiss the Petitioner's Section 2254 habeas petition as untimely. (Docs. 16, 22). The Magistrate Judge also recommends that the Court deny a certificate of appealability. The Petitioner has objected to the Recommendation. (Doc. 23). Pursuant to 28 U.S.C. § 636(b)(1), the Court has considered the Petitioner's objection and has made a de novo determination of the portions of the Recommendation to which the Petitioner objects.

The Court has reviewed the Recommendation and accepts the findings, conclusions, and recommendations of the Magistrate Judge. The Recommendation is **ADOPTED** and made the order of this Court. Accordingly, the Respondent's motion to dismiss (Doc. 16) is **GRANTED**, and the petition is **DISMISSED**, and a certificate of appealability is **DENIED**. Additionally, because there are no non-frivolous issues to raise on appeal, an appeal would not be taken in good faith. See 28 U.S.C.

§ 1915(a)(3). Accordingly, any motion to proceed *in forma pauperis* on appeal is  
**DENIED.**

**SO ORDERED**, this 1st day of June, 2016.

S/ Marc T. Treadwell  
MARC T. TREADWELL, JUDGE  
UNITED STATES DISTRICT COURT